

Message Text

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ACTION AF-10

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TO SECSTATE WASHDC 7362

C O N F I D E N T I A L BUJUMBURA 1017

EO 11652: GDS

TAGS: PINT, BY

SUBJ: CORRUPTION TRIALS

REF: 77 BUJUMBURA A-7

1. ON AUGUST 10 SUPREME COURT PRONOUNCED VERDICTS AND SENTENCES UPON 60 OFFICIALS OF MICOMBERO REGIME ACCUSED OF MISUE OF PUBLIC FUNDS. THE DEFENDANTS WERE ARRESTED IN EARLY FEBRUARY 1977 ABOUT THREE MONTHS AFTER BAGAZA TOOK POWER. OF THE ACCUSED, 16 WERE ACQUITTED AND 44 FOUND GUILTY AND SENTENCED TO TERMS OF IMPRISONMENT FROM TWO TO TEN YEARS AND RESTITUTION OF THE SUMS DEFRAUDED OR IN CASE OF DEFAULT UP TO AN ADDITIONAL TWENTY YEARS IMPRISONMENT. SINCE IT IS GENERALLY ASSUMED FEW OF THE DEFENDANTS CAN PAY BACK THE MONEY THEY MISAAPPROPRIATED, ALL BUT FOUR OR FIVE GET OVER TWENTY YEARS IN PRISON, IN EFFECT. THREE WHO WERE CONVICTED OF MISAPPROPRIATING LESS THAN ONE MILLION FRANCS (\$11,000) MUST SERVE FIVE OR SIX YEARS IN LIEU OF RESTITUTION WHILE FOUR GUILTY OF DEFRAUDING THE GOVERNMENT OF BETWEEN ONE AND TWO MILLION FRANCS WILL SERVE BETWEEN FOURTEEN AND SEVENTEEN YEARS IN PRISON IF THEY DEFAULT. MOST PROMINENT OF THOSE CONVICTED IS JOSEPH HICUBURUNDI, MINISTER OF FINANCE AND AMBASSADOR TO ZAIRE AND FRANCE UIDER MICOMBERO. HE WAS SENTENCED TO NINE YEARS FOR MISAPPROPRIATING NEARLY 53 MILLION FRANCS (\$590,000). ADOLPHE BINAGAMA, DIRECTOR GENERAL OF COOPERATION, MOXA, AND AMBASSADOR

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TO GERMANY UNDER MICOMBERO, GOT EIGHT YEARS FOR DEFRAUDING THE GOVERNMENT OF 15.4 MILLION (\$171,000). ONE JANVIER NDIKUMANA, FORMERLY DIRECTOR GENERAL OF THE MINISTRY OF INFORMATION, LOCAL TEXACO EMPLOYEE AND AN OCA LEADER GRANTEE IN 1976, WAS CONVICTED OF MISAPPROPRIATING 5 MILLION (355,600). THE LARGEST INDIVIDUAL CHARGE WAS MISAPPROPRIATION OF 120,615,953 BURUNDI FRANCS (\$1,340,177).

THE TOTAL INVOLVED IN THE FORTY-FOUR CHARGES WAS 631,218,442 (\$7,013,539.

2. COMMENT: THIS TRIAL HAS BEEN HANGING FIRE SINCE THE EARLY DAYS OF BAGAZA'S GOVERNMENT AND HAS BEEN THE SUBJECT OF ENDLESS SPECULATION IN BUJUMBURA. SEVERAL OF THE DEFENDANTS HAVE BEEN SEEN ON THE STREET FROM TIME TO TIME, AND THEY APPARENTLY DRIFTED IN AND OUT OF PRISON. WHY BAGAZA FINALLY DECIDED TO GO AHEAD WITH THE JUDGEMENT AND SENTENCING IS NOT CLEAR. THAT IT WAS MANIPULATED WE HAVE NO QUESTION, BUT THE MOTIVES ARE MURKIER. WE ARE TOLD BY THE BUSINESS COMMUNITY AND OTHERS THAT CORRUPTION IS INCREASING AS OFFICIALS FEEL THE PINCH OF INFLATION. THE HARSHNESS OF THESE SENTENCES, PARTICULARLY THE TWENTY YEARS IN PRISON IN LIEU OF RESTITUTION OF THE MONEY DEFRAUDED, MAY HAVE BEEN A WARNING TO INCUMBENT OFFICIALS. ON THE OTHER HAND, THE PRESIDENT'S LONG-TIME RIVAL PRIME MINISTER NZAMBIMANA, IS SAID TO HAVE BEEN INVOLVED IN ONE FRAUDULENT SCHEME OR ANOTHER AND TO BE VULNERABLE TO A CHARGE OF CORRUPTION. BAGAZA MAY BE CLEARING THE DECKS TO MOVE AGAINST HIM OR AT LEAST SCARE NZAMBIMANA INTO THINKING HE IS. NZAMBIMANA HAS BEEN REDUCED TO A STATUS CLEARLY BELOW THAT OF BAGAZA AND THERE ARE GRUMBLINGS ALL OVER TOWN THAT HE AND HIS SUPPORTERS ARE FED UP WITH THE SITUATION. AS ALWAYS, FIGURING OUT WHAT IS GOING ON IN THE INNER CIRCLES OF THE GOVERNMENT IS A CHANCY BUSINESS. OUR GUESS IS, HOWEVER, THAT BAGAZA IS CONSOLIDATING HIS POWER. HE CONTINUES TO PLAY OFF HIS OPPOSING GROUPS AGAINST EACH
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OTHER AND IS PROBABLY MOVING TO FURTHER STRENGTHEN HIS POSITION BY DEMONSTRATING HIS POWER TO METE OUT HARSH JUSTICE UNDER THE LAW WHEN HE WANTS TO.
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